

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 9
ATTORNEYS AND COUNSELORS

600.901 State bar; membership; public body corporate.

Sec. 901. The state bar of Michigan is a public body corporate, the membership of which consists of all persons who are now and hereafter licensed to practice law in this state. The members of the state bar of Michigan are officers of the courts of this state, and have the exclusive right to designate themselves as “attorneys and counselors,” or “attorneys at law,” or “lawyers.” No person is authorized to practice law in this state unless he complies with the requirements of the supreme court with regard thereto.

History: 1961, Act 236, Eff. Jan. 1, 1963.

Constitutionality: The State of Michigan, through the combined actions of the Supreme Court, the Legislature, and the State Bar, may compulsorily exact dues, and require association of attorneys, to support only those duties and functions of the State Bar which serve a compelling state interest and which cannot be accomplished by means less intrusive upon the First Amendment rights of objecting attorneys. Falk v State Bar, 418 Mich 270; 342 NW2d 504 (1983).

The regulation of the practice of law, the maintenance of high standards in the legal profession, and the discharge of the profession's duty to protect and inform the public are purposes in which the State of Michigan has a compelling interest justifying unavoidable intrusions on the First Amendment rights of attorneys; on the other hand, political and legislative activities are impermissible intrusions, as are activities designed to further commercial and economic interests of the members of the bar. Falk v State Bar, 418 Mich 270; 342 NW2d 504 (1983).

600.904 State bar; regulation by supreme court.

Sec. 904. The supreme court has the power to provide for the organization, government, and membership of the state bar of Michigan, and to adopt rules and regulations concerning the conduct and activities of the state bar of Michigan and its members, the schedule of membership dues therein, the discipline, suspension, and disbarment of its members for misconduct, and the investigation and examination of applicants for admission to the bar.

History: 1961, Act 236, Eff. Jan. 1, 1963.

Constitutionality: The State of Michigan, through the combined actions of the Supreme Court, the Legislature, and the State Bar, may compulsorily exact dues, and require association of attorneys, to support only those duties and functions of the State Bar which serve a compelling state interest and which cannot be accomplished by means less intrusive upon the First Amendment rights of objecting attorneys. Falk v State Bar, 418 Mich 270; 342 NW2d 504 (1983).

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600.907 State bar; subpoena, administration of oaths.

Sec. 907. The state bar of Michigan has the power of subpoena, and the authority to take testimony under oath, which may be exercised by its officers, boards and committees for the purpose of aiding in cases of discipline, suspension, and disbarment of its members, and in cases of applicants for admission to the bar, under such regulations and restrictions as the supreme court may prescribe. The persons exercising the power granted by this section have the power to administer the necessary oaths.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.908 Granting immunity to witness in lawyer disciplinary proceeding.

Sec. 908. (1) Upon application filed by the attorney grievance commission, and after affording the witness, the attorney general, and the prosecuting attorney of the county where the alleged violation occurred the opportunity to be heard regarding any objections which any may have, the supreme court may grant immunity to a witness in a lawyer disciplinary proceeding in a manner described in this section.

(2) An order granting immunity shall not be issued if the supreme court determines, based on information supplied by the attorney general or the prosecuting attorney of the county where the alleged violation occurred, that an order of immunity would interfere with an ongoing criminal investigation.

(3) The application shall set forth the proposed questions to be asked and shall be served on the witness, the attorney general, and the prosecuting attorney of the county where the alleged violation occurred.

(4) An order granting immunity shall not extend beyond answers reasonably encompassed within the questions set forth in the application or beyond the scope of the disciplinary proceeding.

(5) A true copy of the order granting immunity shall be delivered to the witness before he or she answers a question which is the subject of the grant of immunity.

(6) A witness granted immunity as provided by this section has the right to be represented by counsel at all times at his or her request.

(7) A person required to answer the questions pursuant to an order granting immunity shall not be prosecuted thereafter for an offense concerning which an answer may have tended to incriminate that person.

(8) A witness who wilfully swears falsely under oath in regard to any matter upon which he or she is being examined under a grant of immunity commits perjury and is guilty of a felony, punishable by imprisonment for not more than 15 years.

(9) The refusal of a witness to answer a question which is the subject of a grant of immunity shall constitute a contempt punishable by the circuit court of the county in which the refusal occurred or by the supreme court.

(10) A copy of the transcript of the questions and answers subject to the grant of immunity shall be delivered to the witness as soon as practicable. The copy of the transcript shall be certified as true by a person authorized to administer oaths in the proceeding.

History: Add. 1982, Act 166, Imd. Eff. May 31, 1982.

600.909 License to practice law subject to support and visitation enforcement act.

Sec. 909. A license to practice law in this state is subject to suspension as provided in the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws, and the regulated occupation support enforcement act.

History: Add. 1996, Act 238, Eff. Jan. 1, 1997.

600.910 Admission to bar; discipline; venue.

Sec. 910. The supreme court and each circuit court has jurisdiction to admit to the bar of this state, persons who possess the required qualifications, to disbar or suspend members of the bar for misconduct, and to reinstate licenses to practice law. All such matters and proceedings are declared to be civil in nature, and the venue thereof is subject to regulation by the supreme court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.913 Admission of person to bar; oath; fee; certificate of admission; record of admission; transmitting certified copies of orders of admission, suspension, disbarment, contempt, or reinstatement.

Sec. 913. The clerk of the supreme court and of each circuit court shall, when a person is admitted to the bar by that court, administer to the person the oath prescribed by the supreme court for members of the bar, and upon payment of the sum of \$25.00 issue to that person a certificate of admission, and keep a record of the admission in the roll of attorneys and the journal of that court, and transmit promptly to the clerk of the supreme court and to the state bar of Michigan without charge certified copies of the orders of admission. When a member of the bar is suspended or disbarred, or is held in contempt, and when a person is reinstated as a member of the bar, the clerk of the court so doing shall transmit to the clerk of the supreme court and to the state bar of Michigan without charge certified copies of those orders.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1977, Act 112, Imd. Eff. Oct. 12, 1977.

600.916 Unauthorized practice of law.

Sec. 916. (1) A person shall not practice law or engage in the law business, shall not in any manner whatsoever lead others to believe that he or she is authorized to practice law or to engage in the law business, and shall not in any manner whatsoever represent or designate himself or herself as an attorney and counselor, attorney at law, or lawyer, unless the person is regularly licensed and authorized to practice law in this state. A person who violates this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter.

(2) A domestic violence victim advocate's assistance that is provided in accordance with section 2950c does not violate this section.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2000, Act 112, Eff. July 1, 2000.

600.919 Fees; solicitation.

Sec. 919. (1) The measure of the compensation of members of the bar is left to the express or implied agreement of the parties subject to the regulation of the supreme court.

(2) Any agreement for such compensation, or for reimbursement of any expenses, incident to the

prosecution or defense of any claim by any party is wholly void if such professional employment was solicited by the member of the bar, or by any other person acting on his behalf or at his request, unless the services of such member of the bar were first requested by such party.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.922 Board of law examiners; membership, vacancies, officers.

Sec. 922. There is hereby constituted a board of law examiners consisting of 5 active members of the bar each of whom shall hold office for 5 years and 1 of whom shall be appointed by the governor on nomination by the supreme court on the first day of July in each year. Vacancies on the board shall be filled in like manner for the unexpired term. The president of the board is the member of the board whose term first expires. The board shall elect a secretary annually from its own membership. The clerk of the supreme court ex-officio is the assistant secretary and treasurer of the board. If a vacancy occurs in the office of president, the board may elect a president for the unexpired term from its own membership.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.925 Board of law examiners; applicants for admission; rules and regulations.

Sec. 925. The board of law examiners has charge of the investigation and examination of all persons who initially apply for admission to the bar of this state. The board may adopt suitable regulations, subject to approval by the supreme court, concerning the performance of its functions and duties. Regulations adopted pursuant to this section need not be published pursuant to Act No. 88 of the Public Acts of 1943, being sections 24.71 to 24.82, inclusive, of the Compiled Laws of 1948, as amended. The board has the power of subpoena, and the authority to administer oaths, and to take testimony under oath, which may be exercised by any member of the board in cases of applicants for admission to the bar.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.928 Board of law examiners; meetings, quorum.

Sec. 928. The board of law examiners shall meet at least once in each year at such times and places as the chairman shall determine for the purpose of investigating, examining, hearing, and passing upon the qualifications of applicants for admission to the bar, and to transact such other business as may come before the board. Three members of the board shall constitute a quorum. The action of a majority of the members present at a meeting at which a quorum is present shall be the action of the board.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.931 Fees for admission to bar; compensation and expenses of board of law examiners.

Sec. 931. (1) The fees required to be paid by each applicant for admission to the bar shall be paid to the board of law examiners, and shall be deposited in the general fund for the restricted purpose of expenditures of the supreme court related to the administration of the board of law examiners.

(2) Subject to subsection (3), the fees described in this section are as follows:

(a) The fee for applying for examination is \$175.00 for an examination occurring before January 1, 2001, or \$300.00 for an examination occurring after January 1, 2001.

(b) The fee for applying for reexamination or recertification is \$100.00 for a reexamination or recertification occurring before January 1, 2001, or \$200.00 for a reexamination or recertification occurring after January 1, 2001.

(c) The fee for admission without examination is \$400.00 for an admission without examination before January 1, 2001, or \$600.00 for an admission without examination after January 1, 2001.

(d) The additional fee for late filing of application or transfer of an application is \$100.00.

(3) The supreme court, by administrative order or rule, may increase the amounts prescribed in subsection (2)(a), (b), or (c) within the following limits:

(a) The fee for applying for an examination occurring after January 1, 2002 may be increased to not more than \$400.00.

(b) The fee for applying for a reexamination or recertification occurring after January 1, 2002 may be increased to not more than \$300.00.

(c) The fee for admission without examination after January 1, 2002 may be increased to not more than \$800.00.

(4) Each member of the board is entitled to receive compensation for his or her services as are authorized by the supreme court and appropriated by the legislature, and in addition the actual and necessary expenses incurred in the discharge of his or her duties as a member of the board. The expenses of the board shall be paid upon certification by the supreme court pursuant to the procedures established by the supreme court.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1976, Act 57, Imd. Eff. Mar. 24, 1976;—Am. 1980, Act 408, Imd. Eff. Jan. 8, 1981;—Am. 1989, Act 100, Imd. Eff. June 21, 1989;—Am. 2000, Act 86, Imd. Eff. May 1, 2000.

600.934 Qualifications for admission to bar; "good moral character" defined; election to use multi-state bar examination scaled score; disclosure of score.

Sec. 934. (1) A person is qualified for admission to the bar of this state who proves to the satisfaction of the board of law examiners that he or she is a person of good moral character, is 18 years of age or older, has the required general education, learning in the law, and fitness and ability to enable him or her to practice law in the courts of record of this state, and that he or she intends in good faith to practice or teach law in this state. Additional requirements concerning the qualifications for admission are contained in subsequent sections of this chapter. As used in this subsection, "good moral character" means good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47.

(2) A person may elect to use the multi-state bar examination scaled score that the person achieved on a multi-state bar examination administered in another state or territory when applying for admission to the bar of this state, but only if all of the following occur:

(a) The score that the person elects to use was achieved on a multi-state examination administered within the 3 years immediately preceding the multi-state bar examination in this state for which the person would otherwise sit.

(b) The person achieved a passing grade on the bar examination of which the multi-state examination the score of which the person elects to use was a part.

(c) The multi-state examination the score of which the person elects to use was administered in a state or territory that accords the reciprocal right to elect to use the score achieved on the multi-state examination administered in this state to Michigan residents seeking admission to the bar of that state or territory.

(d) The person earns a grade on the essay portion of the bar examination that when combined with the transferred multi-state scaled score constitutes a passing grade for that bar examination.

(e) The person otherwise meets all requirements for admission to the bar of this state.

(3) The state board of law examiners shall disclose to a person electing under subsection (2) to transfer the multi-state bar examination scaled score achieved on an examination administered in another state or territory the score the person achieved as soon as that score is received by the board regardless of whether the person could have obtained that score in the jurisdiction in which the examination was administered. This subsection does not require disclosure by the board of the score achieved on a multi-state bar examination administered in another state or territory until the scores achieved on that examination administered in Michigan are released.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1972, Act 87, Imd. Eff. Mar. 20, 1972;—Am. 1978, Act 289, Eff. July 10, 1978;—Am. 1980, Act 271, Imd. Eff. Oct. 6, 1980;—Am. 2000, Act 112, Imd. Eff. May 24, 2000;—Am. 2004, Act 558, Imd. Eff. Jan. 3, 2005.

Constitutionality: Requirement of United States citizenship as a necessary prerequisite for the admission to the practice of law constitutes denial of equal protection of the law under Const 1963, art I, § 2, and US Const, am XIV, § 1. In re Houlahan, 389 Mich 665; 209 NW2d 250 (1973), decided prior to the 1978 amendment.

600.937 General education requirements.

Sec. 937. Every applicant for admission to the bar is required to have completed successfully prior to commencement of his legal education at least 2 years of study, consisting of not less than 60 "semester hours" or 90 "quarter hours" of study in courses for which credit towards a collegiate degree is given, either in an accredited college authorized under the laws of the state in which the college is located to grant collegiate degrees, or in a junior college or other school from which students who have successfully completed such 2 years of study are accepted as regular third-year students by any accredited college in this state that is authorized by law to grant collegiate degrees.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.940 Legal education requirements; military service.

Sec. 940. (1) Every applicant for examination is required to be a graduate from a reputable and qualified law school duly incorporated under the laws of this state or another state or territory, or the District of Columbia, of the United States of America.

(2) If an applicant is called into or volunteers for the armed forces of the United States of America, and has completed successfully 2 1/2 years of the course of study as a full-time student, or 3 1/2 years of the course of study as a part-time student, in any such law school, the board of law examiners, in its discretion may allow such applicant to be examined for the bar prior to such graduation, but shall withhold certification until after his graduation.

History: 1961, Act 236, Eff. Jan. 1, 1963.

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600.943 Examination of schools and colleges.

Sec. 943. The board of law examiners has the authority to examine, or to cause to be examined, any school, college, junior college, or law school for the purpose of determining whether the standards of education and training required for admission to the bar are being maintained, and to exclude from the bar examination any person who was a student therein at the time any such educational institution is found to have been disqualified or of questionable reputation. The board of law examiners may exclude from the bar examination any person who was a student in any such educational institution if such educational institution refuses to allow the examination.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.946 Foreign attorneys; admission to bar, qualifications, extension of term.

Sec. 946. Any person who is duly licensed to practice law in the court of last resort of any other state or territory or the District of Columbia, of the United States of America, and who applies for admission to the bar of this state without examination, is required to prove to the satisfaction of the board of law examiners that:

(1) He is in good standing at the bar of such other state, territory, or district, and has the qualifications as to moral character, citizenship, age, general education, fitness and ability required for admission to the bar of this state; and

(2) He intends in good faith either to maintain an office in this state for the practice of law, and to practice actively in this state, or to engage in the teaching of law as a full-time instructor in a reputable and qualified law school duly incorporated under the laws of this state; and

(3) His principal business or occupation for at least 3 of the 5 years immediately preceding his application has been either the active practice of law in such other state, territory, or district or the teaching of law as a full-time instructor in a reputable and qualified law school duly incorporated under the laws of this or some other state or territory, or the District of Columbia, of the United States of America, or that period of active service, full-time as distinguished from active duty for training and reserve duty, in the armed forces of the United States, during which the applicant was assigned to and discharged the duties of a judge advocate, legal specialist or legal officer by any other designation, shall be considered as the practice of law for the purposes of this section, which assignment and the inclusive dates thereof shall be certified to by the judge advocate general or comparable officer of the armed forces concerned or by the principal assistant to whom this certification may be delegated; or any combination of periods of practice thereof. The supreme court may, in its discretion, on special motion and for good cause shown, increase said 5-year period. Any period of active service in the armed forces of the United States not meeting the requirements of duty in the armed forces as herein stated may be excluded from the 5-year period above prescribed and the period extended accordingly.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1967, Act 118, Eff. Nov. 2, 1967.

600.949 Investigation of applicants to state bar of Michigan; duty of law enforcement officers; fingerprinting required; disposition of fingerprint records.

Sec. 949. (1) It is the duty of all state, county, and city law enforcement officers to aid the state bar of Michigan and the board of law examiners in any investigation of the conduct of members of the bar, and the character and fitness of persons who apply for admission or reinstatement to the bar, and to furnish all available information about the members or persons.

(2) The board of law examiners shall require that an applicant for admission to the state bar of Michigan be fingerprinted to determine whether the applicant has a record of criminal convictions in this state or in other states. The board of law examiners shall submit the fingerprints and the appropriate state and federal fees, which shall be borne by the applicant, to the department of state police for a criminal history check. The department of state police may then forward the fingerprints to the federal bureau of investigation for a criminal history check. The information obtained as a result of the fingerprinting of an applicant shall be limited to officially determining the character and fitness of the applicant for admission to the state bar of Michigan. After approval of the applicant by the board of law examiners, all fingerprint records shall be returned to the applicant or destroyed.

(3) All fingerprint records being held by the state bar of Michigan shall be destroyed.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1980, Act 69, Imd. Eff. Apr. 3, 1980;—Am. 2002, Act 459, Imd. Eff. June 21, 2002.